

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMENDED
SCHEDULING ORDER

FRANK GIACOBBE,
PATRICK OGONY,
KEVIN MORGAN,
TODD MORGAN,

Criminal No. 18-CR-108W

Defendants.

- (1) All pretrial motions, both dispositive and non-dispositive, including all supporting papers and memoranda of law in support thereof, shall be filed by **June 28, 2019**.
- (2) All responses to pretrial motions, including all supporting papers and memoranda of law in support thereof, filed in accordance with the preceding paragraph shall be filed by **August 16, 2019**.
- (3) Reply papers, if any, shall be filed by **August 30, 2019**.
- (4) Oral argument on any pretrial motions shall be heard on **September 11, 2019 at 10:00 a.m.**
- (5) The government shall provide a written pre-approved plea agreement to the defendant(s) no later than **February 28, 2019**.
- (6) The defendant(s) shall respond in writing to the plea agreement no later than **March 22, 2019**.

In accordance with the United States Supreme Court's decisions in *Zedner v. United States*, 547 U.S. 489 (2006) and *Bloate v. United States*, 559 U.S. 196 (2010), the period of time from the date of this order, until the date of making and/or filing of pretrial motions is excluded pursuant to and in accordance with the provisions contained in 18 U.S.C.

§ 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv) for the reasons stated on the record herein.

If no motions are filed by the filing date set forth in paragraph (1), the case shall be referred to the district court judge to whom the case is assigned for trial and the speedy trial exclusion set forth above shall terminate as of the cutoff date for the filing of motions set forth herein.

Any requests for extension of the above dates must be made by the filing of a motion, electronically, with the Clerk of the Court, prior to the due date. Such application shall be made only after conferring with all other parties and shall include a suggested rescheduled date, agreeable to all parties. As a general rule, no request for an extension will be granted unless good cause is shown.

Counsel for the parties are directed to provide the Court with a courtesy copy of Motions, Responses, Replies, Memoranda of Law, and Exhibits clearly marked.

SO ORDERED.

S. H. Kenneth Schroeder, Jr.

**H. KENNETH SCHROEDER, JR.
United States Magistrate Judge**

**DATED: October 31, 2018
 Buffalo, New York**